

**AMENDMENTS TO THE DRAWINGS:**

The attached replacement sheets of drawings, including Figures 1 through 3 replace the previously submitted sheets of drawings including Figures 1 through 3. More specifically, Applicant has amended Figures 1 through 3. Each replacement sheet has been clearly labeled "Replacement Sheet" in the page header.

Attachment: 3 Replacement Sheets of drawings including Figures 1 through 3

## **REMARKS**

Claims 1-4 and 6 are pending in the above-captioned application. Claim 5 was previously cancelled. Claim 6 has been added. Claims 1-4 have been amended. Claim 1 is in independent form.

### **Specification**

The specification has been amended to clarify terminology set forth in the application as filed. Applicant attests that no new matter has been added thereto.

### **Drawings**

Applicant has attached 3 replacement sheets of drawings, including Figures 1 through 3, hereto directly following these Remarks. Each replacement sheet has been labeled as "Replacement Sheet" in the page header as per 37 C.F.R. §1.121(d). Applicant attests that no new matter has been added thereto.

The following changes have been made in amended Figure 1:

- a. Reference character "111B" has been added to identify the first elongate hole 111B.
- b. The leader line of reference character "113" has been amended to identify the first hole 113 in the slider 112.
- c. Reference character "116B" has been added to identify the threaded rod 116B.

The following changes have been made in amended Figure 2:

- a. Reference character "110A" has been added to identify the upper side 110A of the base element 110.
- b. Reference character "110B" has been added to identify the lower side 110B of the base element 110.

- c. Reference character "110D" has been added to identify the wall 110D.
- d. Reference character "111A" has been deleted.
- e. Reference character "114A" has been amended to "114B" to identify the first screw end 114B of the screw 114.
- f. Reference character "114B" has been amended to "114C" to identify the second screw end 114C of the screw 114.
- g. Reference character "114A" has been added to identify the inner threading of the screw 114.
- h. Reference character "117" has been added to identify the interacting notches 117 of the insides of walls 110C, 110D of the base element 110.

The following changes have been made in amended Figure 3:

- a. Reference character "110B" has been added to identify the lower side 110B of the base element 110.
- b. Reference character "111A" has been added to identify the elongate hole 111A in the upper side 110A of the base element 110.
- c. Reference character "111B" has been added to identify the elongate hole 111B in the lower side 110B of the base element 110.
- d. Reference character "112B" has been added in two places to identify the two walls 112B of the slider 112.
- e. A portion of the base element 110 has been cut away and reference character "119" has been added to identify the interacting notches 119 of the outsides of walls 112B of the slider 112.

### **Claim Rejections - §112**

Claims 1-4 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully traverses the rejection.

Regarding claim 1, lines 13-14, the Examiner states that the following phraseology is not readily understood, "in which it does not engage the slider, to a second position, in which it engages the slider with the first screw end." In response, Applicant has amended claim 1, lines 13-14 to read "wherein the screw (114) can be turned from a first position, in which the first screw end (114b) does not engage the slider (112), to a second position, in which the first screw end (114b) engages the slider (112)." Thus, it is now clear that when the screw 114 is in the first position, the first screw end 114b does not engage the slider 112, as shown in Figure 3, and when the screw 114 is in the second position, the first screw end 114b engages the slider 112, as shown in Figure 1.

Regarding claim 3, line 2, the Examiner states that -- the -- should be inserted after "of." In response, Applicant has inserted -- the -- after "of" as suggested by the Examiner.

Regarding claim 4, lines 1-4, the Examiner states that consistency should be maintained by reciting a first hole, a second hole, a third hole, etc. In response, Applicant has amended claim 1 to recite "a first hole (113)". Applicant has also amended claim 4 to recite "the screw (114) extends through a second hole (121) provided in a section (120) of the vehicle, said second hole (121) being aligned with the first elongate hole (111b) and the first hole (113) in the slider (112)", as suggested by the Examiner.

Therefore, Applicant respectfully requests that the rejection of claims 1-4 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention be withdrawn.

### **Claim Rejections - §102**

Claims 1 and 2 stand rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent 4,956,942 to Lisak et al. ("the '942 reference"). Applicant respectfully traverses the rejection.

The '942 reference discloses a window adjustment mechanism 25 for use with a window assembly having an elongate guide channel 12 which mounts a window 14 for sliding movement. The adjustment mechanism 25 has a pivot arrangement which mounts the guide channel 12 for pivotal movement generally about one end 24 thereof. The adjustment mechanism 25 includes a housing 40 and a channel-coupling portion 46 for coupling to the guide channel 12 at an end 30 opposite to the end 24 of the guide channel 12 which is mounted for pivotal motion. A driven member 52 is mounted to the channel-coupling portion 46 and a drive member 54 is rotatably mounted to the housing 40, and is of complementary form with the driven member 52 for engaging the same for causing bidirectional movement of the channel-coupling portion 46 relative to the housing 40 to achieve bidirectional movement of the guide channel 12 in response to bidirectional rotation of the drive member 54. An engageable means 56 is accessible for engagement and bidirectional rotation from exteriorly of the door 10, such that bidirectional rotation of the engageable means 56 achieves a predetermined and corresponding amount of bidirectional, pivotal motion of the guide channel 12.

Claim 1 of the above-captioned application includes the limitation of "a screw (114) provided with an inner threading and comprising a first screw end (114b) formed as a screw head and a second screw end (114c), the screw extending through the first hole (113) in the slider and the first elongate hole (111b) aligned therewith." Claim 1 includes the further limitation of "a bolt (116) fixedly attachable to the window regulator extending through the second elongate hole (111a) and provided with a threaded rod engaging the threading of screw (114), wherein the screw (114) can be turned from a first position, in which the first screw end (114b) does not engage the slider (112), to a second position, in which the first screw end (114b) engages the slider (112)."

A claim is anticipated if each and every limitation is found either expressly or inherently in a single prior art reference. *Celeritas Techs. v. Rockwell Int'l Corp.*, 150 F.3d 1354, 1361 (Fed. Cir. 1998).

**The '942 reference does not disclose a screw extending through a first hole in a slider and a first elongate hole aligned therewith, as specifically required by claim 1 of the above-captioned application.** The Examiner contends that the window adjustment mechanism 25 of the '942 reference is equivalent to the profiled base element 110 of the above-captioned application and that the adjustment mechanism 25 is provided with a first elongate hole and a second elongate hole (see figure in office action). The Examiner also contends that the channel-coupling portion 46 of the '942 reference is equivalent to the slider 112 of the above-captioned application. The Examiner further contends that the driven member 52 of the '942 reference is equivalent to the screw 114 of the above-captioned application. Finally, the Examiner contends that the drive member 54 of the '942 reference is equivalent to the bolt 116 of the above-captioned application.

In the '942 reference, the driven member 52 is disposed entirely within the channel-coupling portion 46 and is in turn drivable for achieving controlled bidirectional movement of the channel-coupling portion 46. The drive member 54 extends through the channel-coupling portion 46 and the driven member 52 and threadingly engages the driven member 52 for achieving the bidirectional movement thereof in response to bidirectional rotation of the drive member 54. Clearly, the driven member 52 (screw as the Examiner contends) does not extend through a "hole within slider" (see figure in office action) in the channel-coupling portion 46 (slider as the Examiner contends) and through a "1st hole" (see figure in office action) in the window adjustment mechanism 25 aligned therewith. Rather, the driven member 52 is disposed entirely within the channel-coupling portion 46. Thus, claim 1 is allowable.

**The '942 reference also does not disclose the screw can be turned from a first position, in which a first screw end does not engage a slider, to a second position, in which the first screw end engages the slider.** As mentioned above, the Examiner contends that the channel-coupling portion 46 of the '942 reference is equivalent to the slider 112 of the above-captioned application. The Examiner also contends that the driven member 52 of the '942

reference is equivalent to the screw 114 of the above-captioned application and that the driven member 52 includes a "head portion of screw" (see figure in office action).

In the '942 reference, the driven member 52 is disposed entirely within the channel-coupling portion 46 and the driven member 52 is sized such that both sides of the driven member 52 always engage the channel-coupling portion 46. Clearly, the driven member 52 (screw as the Examiner contends) can not be turned from a first position, in which the "head portion of screw" (see figure in office action) does not engage the channel-coupling portion 46 (slider as the Examiner contends), to a second position, in which the "head portion of screw" (see figure in office action) engages the channel-coupling portion 46 (slider as the Examiner contends).

Claim 2 of the above-captioned application includes the limitation of "the inner sides of the base element (110) and the outer sides of the slider (112) are provided with interacting notches (117, 119)."

A claim is anticipated if each and every limitation is found either expressly or inherently in a single prior art reference. *Celeritas Techs. v. Rockwell Int'l Corp.*, 150 F.3d 1354, 1361 (Fed. Cir. 1998).

**The '942 reference does not disclose inner sides of a base element and outer sides of a slider having interacting notches.** The Examiner contends that the window adjustment mechanism 25 of the '942 reference is equivalent to the profiled base element 110 of the above-captioned application. The Examiner also contends that the channel-coupling portion 46 of the '942 reference is equivalent to the slider 112 of the above-captioned application.

There clearly are no notches on an inner side of the window adjustment mechanism 25 (profiled base element as the Examiner contends) interacting with notches on an outer side of the channel-coupling portion 46 (slider as the Examiner contends). Thus, claim 2 is allowable.

Therefore, Applicant respectfully requests that the rejection of claims 1 and 2 under 35 U.S.C. §102(b) as being anticipated by '942 reference be withdrawn.

**Allowable Subject Matter**

The Examiner states that "[d]epending on applicant's amendments, claims 3-4 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. §112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

In response, Applicant has amended claims 3 and 4 to overcome 35 U.S.C. §112, second paragraph, as set forth above. Additionally, claims 3 and 4 depend from claim 1 and, as such, are construed to incorporate by reference all the limitations of the claim to which they refer, *see* 35 U.S.C. §112, fourth paragraph. Since, claim 1 is allowable as set forth above, claims 3 and 4 are also allowable.

Applicant has added new independent claim 6. Claim 6 includes all of the limitations of claim 1 and allowable claim 3. Therefore, Applicant respectfully suggests that claim 6 is allowable.

It is respectfully submitted that this patent application is in condition for allowance, which allowance is respectfully solicited. If the Examiner has any questions regarding this amendment or the patent application, the Examiner is invited to contact the undersigned.

Respectfully submitted,



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